

## LAW OF UKRAINE

### on the Legal Status of Foreigners and Stateless Persons

This law defines the legal status of foreigners and stateless persons who stay in Ukraine, and establishes the order of their entry and exit.

#### I. GENERAL PROVISIONS

##### Article 1. Definition of Terms

1. The terms in this Law have the following meanings:

1) forced stop - stay of foreigners and stateless persons in Ukraine over the period set by the legislation for transit through its territory due to extraordinary circumstances (natural disasters, disease, etc.) subject to availability of the document confirming the cause and duration of the delay;

2) visa - a permission granted by the competent authority of Ukraine in the form specified by the legislation of Ukraine, required for entry or transit through the territory of the country during the relevant period;

3) family reunion - entry and temporary or permanent residence in Ukraine of the family of a foreigner or stateless persons residing in Ukraine on legal grounds who can confirm by relevant documents sufficient financial means for the support of the family members in Ukraine with the purpose of a family living together regardless of when the family relationships occurred - before or after arrival of a foreigner or stateless person to Ukraine;

4) immigration card - a document that contains information about foreigners and stateless persons who enter/exit Ukraine, filled in cases and the manner determined by the specially authorized central executive body in matters of state border protection;

5) permit for employment of foreigners and stateless persons - a document which entitles the employer to temporarily employ a foreigner or stateless person in accordance with the laws of Ukraine;

6) a foreign national - a person who is not the citizen of Ukraine, holding citizenship (nationality) of another state or states;

7) foreigners and stateless persons who stay in Ukraine on legal grounds - foreigners and stateless persons who entered Ukraine in the manner established by the law or international treaties of Ukraine and permanently or temporarily residing in its territory or temporarily staying in Ukraine;

8) foreigners and stateless persons permanently residing in Ukraine - foreigners and stateless persons who have received a permanent residence permit, unless otherwise provided by law;

9) foreigners and stateless persons who are temporarily staying in Ukraine - foreigners and stateless persons who stay in Ukraine during the validity of their visa or

during the period prescribed by the law or international treaties of Ukraine, or if the period of their stay in Ukraine was expanded in the prescribed manner;

10) foreigners and stateless persons who are temporarily residing in Ukraine - foreigners and stateless persons who have received a temporary residence permit, unless otherwise provided by the law;

11) country of nationality - a country or countries of citizenship (nationality) of the person;

12) last country of residence - a country where a foreigner or a stateless person permanently resided before coming to Ukraine;

13) the country of origin of a foreigner or stateless person - a country or countries of nationality or the country of last permanent residence;

14) irregular immigrant - a foreigner or stateless person who crossed the border outside the border crossing points or using the latter, but avoiding border control and failed to promptly apply for refugee status or asylum in Ukraine, as well as a foreigner or stateless person who arrived legally to Ukraine, but after the prescribed period of stay lost the grounds for further stay and avoided exit from Ukraine;

15) a stateless person - a person that under applicable law is not recognized as a citizen by any of the states;

16) passport - a document issued by the competent authority of a foreign country or a statutory UN organization recognized by Ukraine, which confirms citizenship of a foreigner and the identity of a foreigner and a stateless person, and provides the right to enter or leave the country;

17) permanent residence permit - a document that certifies the identity of a foreigner or a stateless person and acknowledges their right to permanent residence in Ukraine;

18) temporary residence permit - a document that certifies the identity of a foreigner or a stateless person and acknowledges the legitimate reason for their temporary stay in Ukraine;

19) return permit - a document issued to a foreigner or a stateless person in the cases stipulated by the international treaties of Ukraine on readmission (receiving and transferring of people);

20) the receiving party ? Ukrainian enterprises, institutions and organizations, representative offices (branches) of foreign enterprises, institutions, organizations, representatives of international organizations registered, as prescribed by the law, and individuals (citizens of Ukraine, foreigners and stateless persons) residing or temporarily staying in Ukraine in connection with education, training, work, or on other legal grounds inviting or receiving foreigners or stateless persons;

21) certificate of a stateless person for travel abroad - a document that identifies the stateless person when crossing the state border of Ukraine and staying abroad;

22) readmission - transfer from the territory of Ukraine or receiving at the territory of Ukraine of foreigners or stateless persons on the grounds and procedures established by the international treaties of Ukraine;

23) registration at the state border crossing point - putting the "Entry" mark in the passport and / or immigration card of a foreigner or stateless person, or in other documents stipulated by the law, entering information about a foreigner or stateless person and their passport data to the appropriate register;

24) transit - entry of a foreigner or stateless persons to Ukraine from one country, transit within the time established in the ticket (if the ticket is unavailable ? the time actually needed to cross the territory of Ukraine on the appropriate type of transport) and travel to another country;

25) third country - a country that is not the country of origin of a foreigner and a stateless person;

26) family members of a foreigner and a stateless person - spouse, minor children, including spouse's minor children, disabled parents and other persons who are considered family members under the law of the country of origin.

## Article 2. Legislation on the Legal Status of Foreigners and Stateless Persons

1. The legal status of foreigners and stateless persons is determined by the Constitution of Ukraine, this and other laws of Ukraine and the international treaties of Ukraine.

If an international treaty of Ukraine sets other rules than those stipulated in this Law, the rules provided in the international treaty of Ukraine shall apply.

## Article 3. The Principles of the Legal Status of Foreigners and Stateless Persons

1. Foreigners and stateless persons staying in Ukraine on legal grounds enjoy the same rights and freedoms and also bear the same responsibilities as the citizens of Ukraine, exceptions are established by the Constitution, the laws or international treaties of Ukraine.

2. Foreigners and stateless persons who are under the jurisdiction of Ukraine, irrespective of the legality of their stay are eligible for recognition of their legal and fundamental rights and freedoms.

3. Foreigners and stateless persons are obliged to strictly abide by the Constitution and the laws of Ukraine, other legislative acts, avoid undermining the rights and freedoms, honor and dignity of others, the interests of the society and the state.

## Article 4. Grounds for stay of foreigners and stateless persons in Ukraine

1. Foreigners and stateless persons in accordance with the Law of Ukraine "On Immigration" may immigrate to Ukraine for permanent residence.

2. Foreigners and stateless persons recognized as refugees in Ukraine or granted asylum in Ukraine are viewed as residing in the territory of Ukraine after acquiring the refugee status in

Ukraine or asylum. Refugee permanent residence in the territory of Ukraine is confirmed by a refugee certificate.

3. Foreigners and stateless persons who are recognized as the persons requiring additional protection, or who were granted temporary protection in Ukraine shall be deemed lawfully temporarily residing in the territory of Ukraine for the duration of the circumstances under which an additional or temporary protection was granted. Temporary residence in the territory of Ukraine of such foreigners and stateless persons is confirmed by the identification document of the person requiring complimentary protection in Ukraine, or the identification document of the person granted temporary protection.

4. Foreigners and stateless persons who according to the law arrived to Ukraine to work and received a temporary residence permit shall be deemed as lawfully residing on the territory of Ukraine for the period of employment in Ukraine.

5. Foreigners and stateless persons who arrive to Ukraine to participate in the international technical assistance projects, registered in the prescribed manner, and received a temporary residence permit shall be deemed as lawfully residing on the territory of Ukraine for the period of employment in Ukraine.

6. Foreigners and stateless persons who arrived to Ukraine for the purpose of preaching religious beliefs, exercising religious rites or other canonical activities by invitation of religious organizations under approval of the state authority that provided registration of the religious organization, and received a temporary residence permit shall be deemed lawfully residing on the territory of Ukraine for the duration of their activity;

7. Foreigners and stateless persons who arrived to Ukraine to participate in the work of branches, representative offices and other structural divisions of public (governmental) organizations of foreign countries, registered in the prescribed manner, and received a temporary residence permit shall be deemed lawfully residing in Ukraine for the period of their activity.

8. Foreigners and stateless persons who arrived to Ukraine to work in representative offices of foreign businesses in Ukraine, registered in the prescribed manner, and received a temporary residence permit shall be deemed lawfully residing on the territory of Ukraine for the period of their work.

9. Foreigners and stateless persons who arrived to Ukraine to work in branches or representative offices of foreign banks, registered in the prescribed manner, and received a temporary residence permit shall be deemed lawfully residing on the territory of Ukraine for the period of their work.

10. Foreigners and stateless persons who arrived to Ukraine for implementing cultural, scientific, educational activities on the grounds and in the manner prescribed by the international agreements of Ukraine or special programs, as well as foreigners and stateless persons who arrived to Ukraine to participate in the international and regional volunteer programs, or participate in the activities of voluntary organizations registered in Ukraine in the established order, and received a temporary residence permit shall be deemed lawfully residing on the territory of Ukraine for the period of such activities.

11. Foreigners and stateless persons who arrived to Ukraine to work as a journalist or a representative of foreign media and received a temporary residence permit shall be deemed lawfully residing on the territory of Ukraine for the period of their work.

12. Foreigners and stateless persons who arrived to Ukraine to study and received a temporary residence permit shall be deemed lawfully residing on the territory of Ukraine for the period of study.

13. Foreigners and stateless persons who arrived to Ukraine with the purpose of family reunification with persons who are citizens of Ukraine, or while lawfully residing in the territory of Ukraine in the cases mentioned in parts 3-12 of this Article, married to the citizens of Ukraine and obtained a temporary residence permit shall be deemed lawfully residing on the territory of Ukraine for the period before receiving permission to immigrate.

14. Foreigners and stateless persons who arrived to Ukraine with the purpose of family reunification with the persons referred to in parts 2-12 of this Article, and received a temporary residence permit shall be deemed lawfully residing on the territory of Ukraine for the period specified in parts 2-12 of this Article.

15. Foreigners and stateless persons who entered Ukraine on other legal grounds, shall be considered as temporarily staying in Ukraine on legal grounds for the period of permission for entry under visa or the period set by the law or the international treaty of Ukraine.

16. Foreigners and stateless persons permanently residing in Ukraine, prior to a decision to terminate the citizenship of Ukraine and after the decision to terminate the citizenship of Ukraine remain permanently in its territory shall be deemed as permanently residing in Ukraine.

17. Foreigners and stateless persons who have not been forcibly deported from Ukraine upon completion of the time of stay in the centers of temporary stay for foreigners and stateless persons who are illegally residing in Ukraine due to the lack of travel documents, transport connection with the country of origin or for other reasons beyond the control of such persons shall be recognized as lawfully temporarily staying in Ukraine for the period of the circumstances which prevent their expulsion from Ukraine.

#### Article 5. Permit for permanent residence and temporary residence permit

1. Foreigners and stateless persons referred to in parts 1 and 16 of Article 4 of this Law, receive a permanent residence permit.

2. The grounds for issuing a permit for permanent residence to foreigners and stateless persons referred to in part 16 of Article 4 hereof are a relevant decree of the President of Ukraine on termination of the citizenship of Ukraine and the applications of such persons.

3. Foreigners and stateless persons referred to in parts 4-14 and 17 of Article 4 of this Law receive a temporary residence permit.

4. The grounds for issuing a permit for temporary residence in the case provided by part 4 of Article 4 of this Law are an application of a foreigner or a stateless person, a valid medical insurance, a permit for employment of foreigners and stateless persons, and the employer's obligation to inform the central executive body implementing the state policy on migration

and the state employment service on early termination or termination of employment agreement (contract) with a foreigner or a stateless person.

5. The grounds for issuing a permit for temporary residence in the case provided by part 5 of Article 4 of this Law are an application of a foreigner or a stateless person, a valid health insurance and an adequate statement of a state institution, enterprise or organization that is a recipient of an international technical assistance project.

6. The grounds for issuing a permit for temporary residence in the case provided for in part 6 of Article 4 of this Law are an application of a foreigner or stateless person, a valid medical insurance, a statement of a relevant religious organization and approval of the governmental body that registered the religious organization.

7. The grounds for issuing a permit for temporary residence in the case provided for in part 7 of Article 4 of this Law are an application of a foreigner or stateless persons, a valid medical insurance, a statement of the relevant branch, department, office and any other structural unit of the public (non-government) organization of a foreign country in Ukraine and a copy of the certificate of registration of the structural unit of a foreign public (non-government) organizations in Ukraine.

8. The grounds for issuing a permit for temporary residence in the case provided in part 8 of Article 4 of this Law are an application of a foreigner or stateless persons, a valid medical insurance, a statement of a representative of a foreign economic entity in Ukraine and a copy of the registration certificate of the entity.

9. The grounds for issuing a permit for temporary residence in the case provided in part 9 of Article 4 of this Law, are an application of a foreigner or a stateless person, a valid medical insurance, a statement of the respective branch or representative office of a foreign bank in Ukraine, and a copy of the accreditation certificate of a branch or representative office.

10. The grounds for issuing a permit for temporary residence in the case provided in part 10 of Article 4 are an application of a foreigner or a stateless person, a valid medical insurance, a statement of a relevant government agency responsible for implementation of cultural, educational, scientific and volunteer programs engaging a foreigner or a stateless person arriving to Ukraine, or a volunteer organization, and a copy of the registration certificate of such an organization.

11. The grounds for issuing a permit for temporary residence in the case provided for by part 11 of Article 4 are an application of a foreigner or stateless person, a valid medical insurance, an application of foreign mass media, and a statement of a government agency responsible for implementing the government policy in the information and publishing sectors.

12. The grounds for issuing a permit for temporary residence in the case specified in part 12 of Article 4 of this Law are an application of a foreigner or a stateless person, a valid medical insurance, a document confirming the student status in Ukraine, and the commitment of the educational institution to inform the central body of executive power implementing government policy on migration about expulsion from such an institution.

13. The grounds for issuing a permit for temporary residence in the case provided in part 13 of Article 4 are an application of a foreigner or a stateless person and the document

confirming marriage to a citizen of Ukraine and a valid medical insurance. If the marriage between a citizen of Ukraine and a foreigner or a stateless person was registered outside of Ukraine, according to the law of a foreign state, the validity of such marriage shall be determined according to the Law of Ukraine "On International Private Law."

14. The grounds for issuing a permit for temporary residence in the case provided in part 14 of Article 4 are an application of a foreigner or a stateless person, a valid medical insurance and a document under which they are recognized as family members of the person referred to in Part 2-12 of Article 4 hereof, according to the law of the country of origin of a foreigner or a stateless person. The document, confirming belonging to the family is considered valid in Ukraine if it is legalized, unless otherwise provided by the law or the international treaty of Ukraine.

15. The grounds for issuing a temporary residence permit in the case specified in part 17, Article 4 of this Law are an application of a foreigner or stateless person, filed after the expiration of the time of their stay in the centers of temporary stay for foreigners and stateless persons who are illegally residing in Ukraine, and the opinion of the central body of executive power implementing government policy on migration on the impossibility of forced expulsion from Ukraine of a foreigner or a stateless person due to absence of travel documents, transport connection with the country of origin of the foreigner or the stateless person or for reasons beyond the control of such persons after a twelve month period of stay in the center of temporary stay for foreigners and stateless persons who are illegally residing in Ukraine, or if the technical inability to expel a foreigner was found earlier.

16. Technical description, sample forms of permanent and temporary residence permits, the order of their processing, generation and issuance are established by the Cabinet of Ministers of Ukraine.

Article 6. Recognition of a foreigner or a stateless person as refugee - a person who requires complimentary protection, and provision of temporary protection

1. A foreigner or a stateless person may be recognized as a refugee or a person requiring complimentary protection, or they may be granted temporary protection in the manner prescribed by the law.

Article 7. Provision of asylum

1. Foreigners and stateless persons may be granted asylum in the manner prescribed by the law.

Article 8. Acquiring the citizenship of Ukraine

1. Foreigners and stateless persons may acquire the citizenship of Ukraine in the manner prescribed by the Law of Ukraine "On Citizenship of Ukraine".

## II. ENTRY AND EXIT FROM UKRAINE

Article 9. Entry to Ukraine for foreigners and stateless persons and duration of their stay in Ukraine

1. Foreigners and stateless persons enter Ukraine with a passport as specified by this Law or the international treaty of Ukraine and a visa obtained in the prescribed manner, unless otherwise provided by the law or the international treaties of Ukraine. This rule does not apply to foreigners and stateless persons who cross the state border of Ukraine seeking recognition as refugees or persons requiring additional or temporary protection or asylum.

2. Foreigners and stateless persons during the border control procedure performed at the border crossing points are required to present their biometric data for documentation.

3. The term of stay of foreigners and stateless persons in Ukraine is established by the visa, the legislation of Ukraine or the international treaty of Ukraine.

#### Article 10. Visa issuing

1. The rules of issuing visas to foreigners and stateless persons and the list of required documents are established by the Cabinet of Ministers of Ukraine.

2. Decision on visa issuance is made in due course by the diplomatic missions or consular posts of Ukraine, the Ministry of Foreign Affairs of Ukraine or the representative office of the Ministry of Foreign Affairs in Ukraine.

#### Article 11 Grounds for refusing a visa

1. Foreigners and stateless persons may be denied a visa in the cases of:

threat to the national security or public order, public health, rights and lawful interests of the citizens of Ukraine and other persons residing in the territory of Ukraine;

registration in the database of persons who under the laws of Ukraine are not allowed to enter Ukraine or have a temporarily restricted right to enter Ukraine;

presentation of an invalid passport or a passport belonging to another person;

submission of false information or falsified other documents;

absence of a valid medical insurance provided the possibility of its issuance in the territory of the country in which the relevant visa application is submitted;

lack of adequate financial support for the period of intended stay and to return to the country of origin or transit to a third country or an opportunity to secure sufficient financial support in a lawful manner in the territory of Ukraine;

absence of evidence regarding the purpose of the intended stay;

absence of the documents that allow to establish the applicant's intentions to leave the territory of Ukraine prior to the expiration of the visa;

applicant's request to terminate consideration his visa application.

2. The decision to refuse the visa is taken by the authorities who decided to process and issue it.



## Article 12 Grounds for cancellation of a visa

1. A visa may be canceled during passing of the border control on grounds and in accordance with the Law of Ukraine "On Border Control."

2. A visa is canceled during the stay of foreigners and stateless persons in the territory of Ukraine in case of:

establishing that during applying for a visa, the applicant used an invalid passport or passport issued to another person, or other false documents or presented false information;

decision on forced return or forced deportation of a foreigner or a stateless person outside Ukraine.

3. Visa cancellation is effected when:

in cases stipulated by paragraph 2, part 2 of this Article by authorized officials of the central executive body implementing the state policy on migration or a border protection agency;

in cases stipulated by paragraph 3, part 2 of this Article, by authorized officials of the authority that decided to enforce the return or who filed a petition to the court seeking judgment on forced expulsion, after the court made such a judgment.

4. The decision to cancel a visa can be appealed in the manner prescribed by the law of Ukraine.

## Article 13. The grounds for barring entry of foreigners and stateless persons to Ukraine

1. Entry to Ukraine for foreigners and stateless person is prohibited under the following circumstances:

in the interests of Ukraine's national security or public order;

if required for securing health, rights and lawful interests of the citizens of Ukraine and other persons residing in Ukraine;

when applying for entry to Ukraine the person has filed deliberately false information or forged documents;

if the passport of such person or visa are forged, damaged or do not meet the prescribed standard or belong to another person;

if such person while crossing the state border of Ukraine violated the rules of crossing the state border of Ukraine, customs regulations, health standards or norms, or did not comply with legal requirements of the officials of state border protection agency, customs and other authorities exercising control over the state border;

if during his previous stay in Ukraine, a foreigner or a stateless person did not fulfill a decision made by the court or a public authority authorized to impose administrative penalties, or has other unmet property obligations to the state, natural or legal persons,

including in relation to the previous deportation, including after the expiration of the ban for further entry to Ukraine;

2. Under availability of the grounds specified in paragraphs two and seven, part one of this Article, the data on the foreigner or a stateless person shall be entered into the database of persons who under the laws of Ukraine are not allowed to enter Ukraine or have the right of departure from Ukraine temporarily restricted.

3. The decision to ban entry to Ukraine is adopted by the central executive body implementing the state policy on migration, the Security Service of Ukraine or the state border protection agency.

Article 14. The return of foreigners and stateless persons who are not allowed to enter Ukraine

1. Foreigners and stateless persons who are not allowed to enter Ukraine, when trying to enter Ukraine during crossing the state border of Ukraine shall not cross the state border of Ukraine and as soon as possible return to the state from which they arrived, or to the state which issued the passport.

If it is not possible to immediately return the foreigners or stateless persons back, they shall remain at the point of crossing of the state border of Ukraine before their return.

The passports of such foreigners and stateless persons are marked with a notice prohibiting entry for the term specified in the decision, made according to part 3 of Article 13 of this Law.

2. Foreigners and stateless persons in the event of illegal crossing of the state border of Ukraine are apprehended and, if their violation of the laws of Ukraine does not provide for criminal liability shall be returned to the country of previous stay in the prescribed manner.

Such foreigners and stateless persons are prohibited from entering Ukraine for three years. In the manner, established by the Cabinet of Ministers of Ukraine their information shall be entered into the database of persons who under the laws of Ukraine are not allowed to enter Ukraine or have the right of departure from Ukraine temporarily restricted.

3. During apprehension, the authorities of the state border protection perform fingerprinting, and if necessary - taking other biometric data of foreigners and stateless persons in accordance with the law.

Article 15. Documents for entry/exit from Ukraine for foreigners and stateless persons

1. Entry/exit of Ukraine is organized in the following manner:

foreigners and stateless persons - a passport document featuring an appropriate visa, unless another entry/exit procedure is set by the law or the international treaty of Ukraine;

foreigners residing in Ukraine ? a passport document and a permit for permanent residence;

stateless persons permanently residing in Ukraine - stateless person's ID for travel abroad;

foreigners and stateless persons who are recognized in Ukraine as refugees or persons who need additional protection - a travel document for travel abroad;

foreigners and stateless persons who are married to the citizens of Ukraine ? a passport document and a residence permit;

foreigners and stateless persons who are married to the persons referred to in parts 2-12, Article 4 hereof ? a passport document and a residence permit;

foreigners and stateless persons who stay in Ukraine in connection with employment - a passport document and a residence permit;

foreigners and stateless persons who stay in Ukraine in connection with participation in the international technical assistance projects - a passport document and a residence permit;

foreigners and stateless persons who stay in Ukraine in connection with participation in the activities of religious organizations - a passport document and a residence permit;

foreigners and stateless persons who stay in Ukraine in connection with participation in the activities of branches, representative offices and other structural units of public (non-government) organizations of foreign countries - a passport document and a residence permit;

foreigners and stateless persons who work in the offices of foreign businesses in Ukraine ? a passport document and a temporary residence permit;

foreigners and stateless persons who work in branches or representative offices of foreign banks in Ukraine ? a passport document and a temporary residence permit;

foreigners and stateless persons who stay in Ukraine in connection with participation in cultural, scientific, educational activities on the grounds and in the manner prescribed by the international agreements of Ukraine or special programs, as well as foreigners and stateless persons who stay in Ukraine for participation in international and regional volunteer programs, or participation in the activities of volunteer organizations registered in Ukraine in the established manner - a passport document and a residence permit;

foreigners and stateless persons who work as journalists or representatives of foreign mass media in Ukraine ? a passport document and a temporary residence permit;

foreigners and stateless persons who have been enrolled in the educational institutions of Ukraine for at least one year - a passport document and a residence permit;

foreigners ? the citizens of countries that can enter Ukraine without a visa under the legislation of Ukraine or the international treaty of Ukraine ? a passport document or another document if it is provided by international agreements of Ukraine;

foreigners who are the nationals of the states which have concluded agreements with Ukraine on local border traffic - the documents that give the right to cross the state border within the local border traffic, which are issued by diplomatic missions and consular offices in Ukraine as established by the Ministry of Foreign Affairs of Ukraine.

2. Employees of diplomatic missions, consular offices, representative offices of international organizations, representatives of the international organizations accredited by the Ministry of Foreign Affairs of Ukraine and having headquarters in Ukraine and in accordance with the statutory documents of such organizations or relevant international treaties of Ukraine enjoy diplomatic privileges and immunities, as well as their family members may enter Ukraine under a passport document and an accreditation card.

#### Article 16. Registration of foreigners and stateless persons who enter Ukraine or stay in Ukraine

1. Registration of foreigners and stateless persons who enter Ukraine is carried out at the crossing points at the state border of Ukraine by the state border protection agencies.

2. A registration stamp made in the passport and/or immigration card or another document of a foreigner or a stateless person established by the laws of Ukraine is valid throughout the territory of Ukraine, regardless of location or residence of a foreigner or a stateless person in Ukraine.

3. Rules for the registration of foreigners and stateless persons shall not apply to persons who illegally crossed the state border of Ukraine with the intention of recognizing them refugees or the persons requiring additional protection, asylum or temporary protection in Ukraine. The central executive body implementing the government policy on migration registers foreigners and stateless persons covered by the law on refugees and persons requiring additional or temporary protection in Ukraine, having only one of the documents issued to such persons under the above law.

4. The following foreigners and stateless persons are exempt from registration:

heads of states and governments of foreign countries, the members of parliament and government delegations, technical personnel supporting such delegations (officials) and their families who came to Ukraine at the invitation of the President of Ukraine, the Verkhovna Rada of Ukraine or the Cabinet of Ministers of Ukraine, the Verkhovna Rada of the Autonomous Republic of Crimea or the Council of Ministers of the Autonomous Republic of Crimea, the ministries, other central executive bodies of Ukraine; the persons and family members of such persons who enter Ukraine using the United Nations ID or ID of UN organizations;

foreigners and stateless persons under eighteen years of age;

foreign tourists during a cruise;

crew members of foreign vessels (aircrafts) which in due course arrived to Ukraine;

individuals who make up the crews of foreign non-military vessels;

individuals who make up the crews of commercial aircrafts of international airlines, international train crews in the event of their stay at the airports or train stations specified in the transportation schedule.

5. The passport documents of the following individuals are registered at the Ministry of Foreign Affairs of Ukraine and its representative offices:

heads of foreign diplomatic missions and consular offices, diplomatic personnel, consular officials, administrative, technical and service staff of diplomatic missions and consular offices, the staff of the military attaches and trade missions and their spouses, children and parents who are their legal dependants;

staff of foreign affairs agencies of foreign countries who came to Ukraine on business and have diplomatic or service passport, and their families;

officials of international organizations who came to Ukraine on business, staff of representative offices of such organizations in Ukraine, as well as staff of the representative offices of international organizations with headquarters in Ukraine and in accordance with the statutory documents of these organizations or relevant international agreements enjoy diplomatic privileges and immunities, as well as their families.

The Ministry of Foreign Affairs of Ukraine and its branches make a registration record directly to the passports of the abovementioned persons.

#### Article 17. Extension of stay of foreigners and stateless persons in Ukraine

1. Foreigners and stateless persons lawfully residing in the territory of Ukraine may receive extension for the period of their stay (under legitimate reasons).
2. The documents on the extension of stay in Ukraine are issued on the basis of written applications by the foreigners or stateless persons and the host to be submitted no later than three working days prior to the expiration of the term of their stay in Ukraine.
3. The extension of stay of foreigners and stateless persons may be refused in the absence of appropriate grounds and sufficient financial support to cover the costs associated with the stay of the foreigners and stateless persons in Ukraine or the appropriate guarantees from the host.
4. Extension of stay in Ukraine is made by the territorial bodies of the central executive body implementing the state policy on migration in the manner prescribed by the Cabinet of Ministers of Ukraine.

#### Article 18. Issuing personal identification documents for return

1. Return IDs are processed and issued by the local offices of the central executive body implementing the government policy on migration.
2. Rules of registration, issuance and the format of the ID for return are determined by the Cabinet of Ministers of Ukraine, unless otherwise is provided by the laws of Ukraine.

#### Article 19. Issuance of a stateless person ID for travel abroad

1. Stateless persons residing in the territory of Ukraine without a permanent travel document receive an ID of a stateless person for travel abroad, which is a document that identifies the stateless person when crossing the state border of Ukraine and staying abroad.

#### Article 20. Transit through the territory of Ukraine of foreigners and stateless persons

1. Transit of foreigners and stateless persons through the territory of Ukraine is carried out under available Ukrainian transit visa, unless otherwise is provided by the law or the international treaties of Ukraine.

2. The rules of transit through the territory of Ukraine by the foreigners and stateless persons are approved by the Cabinet of Ministers of Ukraine.

3. In cases of forced stop, the foreigners and stateless persons may receive extension of temporary stay in the territory of Ukraine before elimination of the circumstances that caused it in the manner prescribed by the Cabinet of Ministers of Ukraine.

#### Article 21. Financial support for entry to Ukraine, stay in the territory of Ukraine and transit through Ukraine for foreigners and stateless persons

1. Entry, stay and transit through the territory of Ukraine for foreigners and stateless persons is made in the presence of adequate financial support or opportunities to obtain such support legally in Ukraine. The procedure for confirmation of adequate financial support and its volume is determined by the Cabinet of Ministers of Ukraine.

2. Foreigners and stateless persons are obliged to submit proof of financial support at the request of the authorized officers.

3. Availability of financial support or guarantees of its availability may be confirmed by presenting the following:

cash in the national currency of Ukraine or in convertible foreign currency;

document indicating the amount of money, in exchange of which cash may be obtained from the banking institutions of Ukraine;

payment cards of international payment systems supported by the statement from the applicant's bank account, confirming the available amount of cash;

document confirming the reservation or payment for food and lodging while in Ukraine;

contract for travel services (voucher);

a guarantee letter of the host who invited a foreigner or a stateless person with the commitment to pay all expenses associated with the stay of the above persons in Ukraine and leaving Ukraine;

a travel ticket to return to the country of nationality or the country of residence or to a third country.

#### Article 22. Departure from Ukraine

1. Foreigners and stateless persons lawfully staying in Ukraine may freely leave the territory of Ukraine in the prescribed manner, except as established by the law.

2. Departure from Ukraine of a foreigner or a stateless person is not permitted if:

the person is a suspect or accused of committing a crime on the territory of Ukraine or being tried for committing a crime on the territory of Ukraine in the case, under the law, when a decision was made to prohibit travel outside Ukraine for such persons;

the person has been sentenced for a crime ? prior to serving the sentence or release after serving the sentence;

the person's departure is contrary to the interests of the national security of Ukraine ? before the circumstances that prevent the departure are eliminated.

3. Departure from Ukraine of foreigners and stateless persons may be temporarily prohibited by the court before they fulfill their property obligations to individuals and legal entities in Ukraine, unless otherwise is stipulated by the international treaties of Ukraine.

4. On the grounds specified in parts two and three of this Article, the information about a foreigner or a stateless person shall be entered into the database of persons who under the laws of Ukraine are not allowed to enter Ukraine or have their right for departure from Ukraine temporarily restricted.

### III. RESPONSIBILITY OF FOREIGNERS AND STATELESS PERSONS

#### Article 23. Responsibility for violations made by foreigners and stateless persons

1. Irregular migrants and other foreigners and stateless persons who have committed a crime, administrative or other offenses are liable under the law.

#### Article 24. Reducing the period of temporary stay in Ukraine

1. If foreigners and stateless persons have no grounds for temporary residence or for temporary stay in Ukraine, as set by parts 4 - 12 of Article 4 hereof, their period of stay is reduced.

2. The decision to reduce the term of temporary stay of foreigners and stateless persons on the territory of Ukraine is adopted by the regional bodies of the central executive body implementing the state policy on migration or by the Security Service of Ukraine.

The procedure of decision-making and the procedure of reducing the term of temporary stay of foreigners and stateless persons on the territory of Ukraine are determined by the Cabinet of Ministers of Ukraine.

3. This provision shall not apply to the persons covered by the law on refugees and the persons requiring of additional or temporary protection or asylum.

#### Article 25. Voluntary return of foreigners and stateless persons

1. Foreigners and stateless persons who received notice of refusal to recognize them as refugees or persons requiring additional protection, persons who have lost or have been revoked of their refugee status or additional protection and did not use the right to appeal such decisions, as well as persons who received notice of rejection of the appeal against refusal to review the documents for resolving the issue of recognition of a refugee status or a person requiring additional protection, and did not use the right to appeal the decision in

court, the persons who received the court's decision confirming the refusal to review the documents for resolving the issue of recognition of their refugee status or the persons requiring additional protection in Ukraine shall voluntarily return to the country of origin or a third country in the established time, unless they have other legitimate reasons for staying in Ukraine under this Law.

2. Foreigners and stateless persons who have no legal grounds to stay in Ukraine or who cannot depart from Ukraine due to lack of funds or loss of passport, not later than the expiration of the term of their stay, may voluntarily return to the country of origin or a third country, including under the assistance of international organizations.

3. The decision on voluntary return of foreigners and stateless persons mentioned in parts one and two of this Article shall be made by the territorial authority of the central executive body implementing the state policy on migration, according to the application of the foreigners or stateless persons to return voluntarily.

The order of processing under the applications of foreigners and stateless persons on voluntary return is set by the Cabinet of Ministers of Ukraine.

4. If the decision on the voluntary return of foreigners and stateless persons mentioned in part one and two of this Article has been made, they receive a certificate of the voluntarily returning person. The above certificate is the grounds for a temporary stay of foreigners and stateless persons on the territory of Ukraine for the period before to the completion of the voluntary return procedure. In case of completion of a voluntary return procedure, such certificate shall be withdrawn or declared invalid.

5. The term of the procedure for voluntary return should not exceed 60 days.

6. If there was made a decision on the voluntary return of a foreigner or a stateless person under eighteen years old, it should be clarified that in case of a voluntary return, such person returns to a family member or a guardian.

7. During the procedure for the voluntary return of foreigners and stateless persons, an executive body implementing the state policy on migration shall cooperate with the international and nongovernmental organizations, whose statutes include facilitating voluntary return of foreigners and stateless persons.

## Article 26. Forced return of foreigners and stateless persons

1. Foreigners and a stateless persons may be forcibly returned to the country of origin or a third country if their actions violate the law on legal status of foreigners and stateless persons or are contrary to the interests of Ukraine's national security or public order, or if it is necessary for safeguarding public health, rights and lawful interests of the citizens of Ukraine by the decision of the central executive body implementing the government policy on migration, the State Security Service of Ukraine or the border protection agency (against foreigners and stateless persons detained within controlled border areas during attempt of after illegal crossing of the state border of Ukraine) with subsequent notification of the prosecutor of the reasons of such decision within 24 hours. The decision to enforce the return shall indicate the period during which a foreigner or a stateless person must leave Ukraine. The time period should not exceed 30 days from the date of the decision.



2. The decision to enforce the return of foreigners and stateless persons mentioned in part one of this Article may be accompanied by a ban on further entry to Ukraine for three years. The term of the ban on further entry to Ukraine is calculated from the date of making such a decision. The procedure of enforcement the ban on further entry to Ukraine is set by the Cabinet of Ministers of Ukraine.

3. One copy of the decision to enforce the return of a foreigner or a stateless person is issued to a foreigner or a stateless person in respect of who it was taken. The decision shall indicate the reasons for adopting it, the appeal procedure and the consequences of failure to fulfill it. The format of the decision on forcible return of a foreigner or a stateless person shall be approved by a joint order of the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine and the specially authorized central body of executive power for border protection.

4. The decision to enforce the return may be appealed in court.

5. A foreigner or a stateless person is solely responsible for leaving the territory of Ukraine within the period specified in the decision of forced return.

6. Control of correct and timely execution of the decision on forced return of a foreigner or stateless person is the responsibility of the agency adopting it.

In order to control the fulfillment of the decision to enforce the return of a foreigner or a stateless person, the officials of the state border protection agency or a local agency of the central executive body implementing the state policy on migration, may accompany such a foreigner or a stateless person on the territory of Ukraine.

7. If the decision on forced return is made, a visa is revoked in the passport of a foreigner or a stateless person and the documents proving lawful stay in Ukraine are seized.

8. Forced return does not apply to foreigners and stateless persons covered by the law on refugees and persons requiring additional or temporary protection in Ukraine.

#### Article 27. Extradition of foreigners and stateless persons

1. A stateless person permanently residing in Ukraine who committed offenses outside of Ukraine cannot be extradited to another state for criminal prosecution or for enforcement of the sentence.

2. The issue of extradition of foreigners staying in Ukraine who committed offenses outside Ukraine is governed by the laws of Ukraine and the international agreements of Ukraine.

3. The provisions of part two this Article shall not apply to persons covered by the law on refugees and persons requiring additional or temporary protection in Ukraine

#### Article 28. Transfer of foreigners and stateless persons to serve the sentence

1. Foreigners who have committed offences in Ukraine and sentenced in accordance with the legislative acts of Ukraine may be transferred to serve the sentence in their countries of citizenship, if such transfer is allowed by the international treaties of Ukraine.

2. The provisions of this Article shall not apply to the persons covered by the law on refugees and persons in requiring additional or temporary protection in Ukraine.

#### Article 29. International treaties of Ukraine on readmission

1. Transfer from Ukraine or admission to Ukraine of foreigners and stateless persons shall be subject to the international agreement on readmission.

2. Admission of foreigners and stateless persons to Ukraine under the international agreement on readmission does not change the reasons for staying in Ukraine that existed prior to such admission.

3. Foreigners and stateless persons admitted in accordance with the international agreement on readmission, which do not have legal grounds for residing in Ukraine, are subject to forced deportation if there is no agreement on readmission between Ukraine and the country of nationality or country of last permanent residence of foreigners or stateless persons.

#### Article 30. Forced expulsion of foreigners and stateless persons

1. The central executive body implementing the government policy on migration, the state border protection agencies (regarding foreigners and stateless persons detained within controlled border areas during or after the attempt of illegal crossing of the state border of Ukraine) or the Security Service of Ukraine may forcibly deport foreigners or stateless persons solely using a decision of the administrative court of Ukraine issued on the basis of their claim, if they have not fulfilled the decision on forced return within the prescribed period and without valid reasons, or if there are reasonable grounds to believe that foreigners or stateless persons will avoid fulfillment of this decision, except in cases of detention of a foreigner or a stateless person for illegal crossing of the state border of Ukraine beyond the points of crossing of state border of Ukraine and their transfer to the border protection authorities of neighboring state.

2. The court's decision on forced expulsion of foreigners and stateless persons may be appealed in the manner prescribed by the law of Ukraine.

3. The central executive body implementing the government policy on migration or state border protection agency according to the relevant decision with the following notification of the prosecutor within 24 hours shall place the foreigners or stateless persons mentioned in part one of this Article in the centers of temporary stay of foreigners and stateless persons who are illegally staying in Ukraine.

4. Foreigners and stateless persons remain in the centers of temporary stay for foreigners and stateless persons who are illegally residing in Ukraine for the time necessary for making a court decision on forced expulsion, but not more than twelve months.

5. The court's decision on forced expulsion of foreigners or stateless persons is implemented by local offices of central executive body implementing the government policy on migration, and regarding foreigners or stateless persons detained by the above offices within controlled border areas during or after the attempt of illegal crossing of the state border of Ukraine - by the state border protection agency. Control over correct and timely execution of the decision on forced expulsion is made by the agency under which action the court decided to enforce deportation. In order to control the execution of a decision on forced expulsion of a foreigner

or a stateless person, the officials of the state border protection agency or a central body of executive power implementing the government policy on migration may accompany such a foreigner or a stateless person.

The central executive body implementing the state policy on migration which officer accompanied a foreigner or a stateless person which was forcibly expelled at the request of the State Security Service of Ukraine shall inform such body of the decision on forced expulsion.

6. Standard regulation on the center of temporary residence for foreigners and stateless persons who are illegally residing in Ukraine is approved by the Cabinet of Ministers of Ukraine.

7. The central executive body implementing the government policy on migration, the State Security Service of Ukraine or the state border protection agency provide fingerprinting for foreigners and stateless persons mentioned in part one of this Article, and if necessary take other biometric data in accordance with the law .

8. This provision shall not apply to foreigners and stateless persons covered by the law on refugees and persons requiring additional or temporary protection in Ukraine.

Article 31. The prohibition of forced return or forced expulsion, extradition or transfer of foreigners and stateless persons

1. A foreigner and a stateless person cannot be forcibly returned or forcibly expelled, extradited or transferred to the countries:

where their life or freedom would be threatened due to discrimination by race, religion, nationality, citizenship (nationality), membership in a particular social group or political opinion;

where they face the death penalty or execution, torture, cruel, inhuman or degrading treatment or punishment;

where their life, health, safety or freedom are threatened because of a widely spread violence in the situations of international or internal armed conflict or systematic violations of human rights or natural or man-made disasters, or lack of medical treatment or care that provides life support;

where they face expulsion or forcible return to the countries where the above cases may arise.

2. Collective forced expulsion of foreigners and stateless persons is forbidden.

Article 32. Procedure for reimbursement of costs associated with the forced deportation of foreigners and stateless persons

1. Foreigners and stateless persons, who according to the court decision are subject to forced deportation from Ukraine, shall reimburse the costs of deportation, as prescribed by the law.

If the above foreigners or stateless persons have no funds to reimburse the costs of their deportation from Ukraine, the expulsion is effected from the state budget.

2. Physical or legal persons who invited or hosted foreigners or stateless persons and arranged their illegal entry, residence, employment and contributed to their failure to leave the country after the expiration of stay, shall reimburse expenses incurred as a result of government sponsored expulsion of the above foreigners or stateless persons by the court's decision as prescribed by the law.

3. Expenses necessary for the enforcement of forced expulsion of foreigners or stateless persons include the following:

tickets for foreigners or stateless persons and those who accompany them;

support services during stay of foreigners or stateless persons in the centers of temporary stay for foreigners and stateless persons who are illegally residing in Ukraine;

identification services;

issuing documents and any other actions related to forced deportation, etc.

4. Accounting for costs associated with forced deportation is made by local offices of central executive body implementing the government policy on migration, the state border protection agencies using a statement in two copies and in the format established by the Ministry of Internal Affairs of Ukraine or specially authorized central body of executive power on border protection.

5. A foreigner and a stateless person shall be notified of the total costs of forced deportation under receipt, calculated using the prices on the day of settlement. In case of refusal of foreigners or stateless persons to confirm and recover the amount of expenditures, a respective note is made in the statement indicating the reasons for refusal.

6. In case of refusal of a foreigner or a stateless person to recover costs necessary to enforce the decision about his forced expulsion from Ukraine, the appropriate funds may be recovered from him in court.

7. Any cash found with a foreigner or a stateless person, for who the court decided on forced expulsion, shall be confiscated under a statement and used to enforce the decision on forced expulsion according to the estimated costs.

8. In case of refusal of the party who invited a foreigner or a stateless person to Ukraine to recover costs associated with the deportation of such foreigners and stateless persons, the relevant costs may be recovered from them in court.

## V. FINAL PROVISIONS

1. This Law shall take effect two months after its publication, except for part 2 of Article 9, part 3, Article 14, part 7, Article 30 dealing with documenting biometric data, which take effect from the day of deployment of the national system of biometric verification and identification of the citizens of Ukraine, foreigners and stateless persons.

2. To declare void:

The Law of Ukraine "On Legal Status of Foreigners and Stateless Persons" (the Verkhovna Rada of Ukraine, 1994, #23, Art. 161; 2000, #38, Art. 318, 2001, #13, Art. 66 , 2002, #46, Art. 347, 2003, #16, Art. 117, #27, Art. 209; 2004, #11, Art. 143; 2005, #35-37, Art. 446, 2007, #33, Art. 442, 2009, #38, Art. 535, 2011, #19-20, Art. 142, as amended by the Law of Ukraine of April 5, 2011, #3186-VI);

The Resolution of the Verkhovna Rada of Ukraine "On the Implementation of the Law of Ukraine "On Legal Status of Foreigners" (the Verkhovna Rada of Ukraine, 1994, #23, Art. 162).

3. The Cabinet of Ministers of Ukraine before the enactment of this Law shall:

submit proposals on bringing the legislative acts of Ukraine in accordance with this Law to the Verkhovna Rada of Ukraine;

bring its regulations into conformity with this Law;

ensure that executive bodies bring their regulations into conformity with this Law.